IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN

MONDAY, THE 1ST JANUARY 2007 / 11TH POUSHA 1928

W.P.(C).No.23729 of 2005(S)

PETITIONERS:-

1. PEOPLE'S FORUM FOR NATURAL JUSTICE (PFNJ)
   (REG.NO.TC-143/2001),REP.BY ITS SECRETARY R.GOKUL PRASAD,
   SON OF LATE SHRI.A.GOPINATHAN, 397/XV(NEW),
   ALATH HOUSE, KALLANKAD ROAD, NALLEPILLY (POST),
   CHITTUR TALUK, PALAKKAD DISTRICT-678 553, KERALA STATE.

2. R.GOKUL PRASAD, AGED 37 YEARS,
   S/O.LATE SHRI.A.GOPINATHAN, 397/XV (NEW),
   ALATH HOUSE, KALLANKAD ROAD,
   NALLEPILLY(POST) CHITTUR TALUK,
   PALAKKAD DISTRICT - 678 553,
   KERALA STATE.

BY ADV. SRI.V.P.K.PANICKER

RESPONDENTS:-

1. UNION OF INDIA,
   REPRESENTED BY THE SECRETARY TO THE GOVT.OF INDIA,
   DEPARTMENT - HEALTH,
   MINISTRY OF HEALTH & FAMILY WELFARE, NEW DELHI.

2. CHAIRMAN, CENTRAL COMMITTEE FOR FOOD STANDARDS (CCFS),
   DIRECTORATE GENERAL OF HEALTH SERVICES,
   MINISTRY OF HEALTH & FAMILY WELFARE,
   NEW DELHI-110 011.

3. ASSISTANT DIRECTOR GENERAL (PFA),
   DIRECTORATE GENERAL OF HEALTH SERVICES,
   P.H.(FOOD) SECTION, NIRMAN BHAVAN, NEW DELHI.

4. HEAD, MINISTRY OF FOOD PROCESSING INDUSTRY,
   PANCHSHEEL BHAVAN, KHELGAON MARG, NEW DELHI-110 049.

5. SECRETARY,DEPARTMENT OF CONSUMER AFFAIRS,
   MINISTRY OF CONSUMER AFFAIRS,
   FOOD & PUBLIC DISTRIBUTION, 461A, KRISHI BHAVAN,
   NEW DELHI - 110 001.

6. DIRECTOR GENERAL,
BUREAU OF INDIAN STANDARDS, MANAK BHAVAN,
9, BHAHADUR SHAH ZAFAR MARG,
NEW DELHI - 110 002.

7. CHIEF SECRETARY, GOVERNMENT OF SECRETARIAT,
THIRUVANANTHAPURAM.

8. SECRETARY TO THE GOVT.OF KERALA,
DEPARTMENT OF HEALTH & FAMILY WELFARE,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

9. DIRECTOR, HEALTH SERVICE,
DEPARTMENT (STATE FOOD-HEALTH),
DIRECTORATE OF HEALTH SERVICES,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

10. DEPUTY DIRECTOR, PREVENTION OF FOOD ADULTERATION WING,
DIRECTORATE OF HEALTH SERVICES,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

11. THE DISTRICT COLLECTOR,
CIVIL LANE, PALAKKAD - 678 101.

12. THE SECRETARY,
PERUMATTY GRAMA PANCHAYATH,
CHITTUR TALUK, PALAKKAD DISTRICT, KERALA.

13. THE SECRETARY,
PUDUSSERY GRAMA PANCHAYATH (SPECIAL GRADE),
PALAKKAD DISTRICT, KERALA.

14. M/S.HINDUSTAN COCA COLA BEVERAGES PVT. LTD.,
MOOLATHARA VILLAGE, KANNIMARI.P.O., CHITTUR TALUK,
PALAKKAD, KERALA-678 534,
REP BY ITS OCCUPIER & AUTHORISED AGENT.

15. M/S.PEPSICO INDIA HOLDING PVT.LTD.,
WISE PARK INDUSTRIAL DEVELOPMENT AREA,
KANJIKODE EAST P.O., PALAKKAD,
KERALA - PIN.678 621,
REPRESENTED BY ITS OCCUPIER & AUTHORISED AGENT.

R1 TO R6 BY ASST.S.G. OF INDIA SRI.JOHN VARGHESE.
R7 TO R11 BY SENIOR GOVERNMENT PLEADER SRI.M.R.SABU.
R12 BY ADVOCATE SRI.K.RAMAKUMAR.

SRI.C.K.PAVITHRAN
SRI.M.X.XAVIER
SRI.K.BAIJU
SMT.N.S.SUMI
SRI.ANIL XAVIER
SMT.JAYASREE MANOJ
SRI.M.RISHIKESH SHENOY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR FINAL HEARING ON 01/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K.Bali,C.J. & M.Ramachandran,J.

W.P.(C).No.23729 of 2005-S

Dated, this the 1st day of January, 2007

JUDGMENT

V.K.Bali,C.J. (Oral)

After arguing for some time, learned counsel for the petitioners states that this writ petition be dismissed as withdrawn with liberty to the petitioners to first move the authorities constituted under the provisions of the Prevention of Food Adulteration Act, 1954 and the Rules framed thereunder for enforcement of Rule 32 of the Rules and file a fresh petition if the petitioners may not get appropriate relief from the authorities. With leave and liberty as asked for, this writ petition is dismissed as withdrawn. All pending interlocutory applications shall stand dismissed.

V.K.Bali
Chief Justice

M.Ramachandran
Judge

vku/-